

## REMARKS

In this amendment, claim 58 has been added. Accordingly, claims 1-7, 9-11, 13-23, 25-28, 30-33, 35-38 and 48-58 are pending in the present application.

Reconsideration and allowance are respectfully requested in view of the following remarks.

### **Claim Rejections Under 35 U.S.C. § 103**

Claims 1-7, 11, 13-16, 17-23, 27, 28, 30-34, 37, 38, 48, 50, 52, 54 and 56 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Bellagarda et al. (article entitled "Exploiting Latent Semantic Information in Statistical Language Modelling", hereinafter "Bellagarda") in view of Oliver et al. (U.S. Patent No. 7,158,986, hereinafter "Oliver"). This rejection is respectfully traversed.

Claim 1 recites a method of displaying files within a file system to a user in a semantic hierarchy, the method comprising the steps of, *inter alia*,

deriving a hierarchy of plural levels of clusters from said clustering; and  
displaying the files in a hierarchical format of plural levels of clusters based on said derived hierarchy.

Figs. 6 and 7 of the Oliver patent are relied upon for allegedly teaching the above-recited features of claim 1. Applicants respectfully disagree.

Oliver discloses using clustering to group documents according to their common themes and concepts. Documents that have the most themes and concepts in common with one another are grouped in an interest folder.

Figs. 6 and 7 of the Oliver patent show two different interest folders 602, 604 for a user of an on-line auction web site. Each interest folder contains pages which are similar to one another and dissimilar to pages in other interest folders. As illustrated

in Figs. 6 and 7, interest folder 602 contains documents related to oak furniture.

Interest folder 604 contains documents related to ancient coin collections.

The Examiner asserts that the interest folders are related because they are both related to auctions. See Office Action: page 37, the first full paragraph.

Applicants submit that even assuming, for argument's sake, that the interest folders are related, the Examiner has not explained how the interest folders form a hierarchy.

The fifth edition of Microsoft Computer Dictionary defines a hierarchy as "a type of organization that, like a tree, branches into more specific units, each of which is 'owned' by the higher-level unit immediately above."

The interest folders in the Oliver patent, if considered as corresponding to the specific units according to the definition of a hierarchy, are not owned by a higher-level folder. Alternatively, the interest folders, if considered as corresponding to the higher-level unit according to the definition of a hierarchy, do not own any folders that correspond to the specific units of the definition. Therefore, even assuming the interest folders in Oliver are related, Oliver still does not disclose deriving a hierarchy.

Furthermore, claim 1 recites deriving a hierarchy of plural levels. In a hierarchy of plural levels, at least one folder in the hierarchy contains another folder. In contrast, Oliver does not disclose that an interest folder contains another folder. Instead, in Oliver, each interest folder contains a set of disjointed individual items. Accordingly, the Oliver patent fails to disclose "deriving a hierarchy of plural levels of clusters from said clustering; and displaying the files in a hierarchical format of plural

levels of clusters based on said derived hierarchy," as recited in claim 1, and similarly recited in independent claims 11, 17, 28 and 38.

The Examiner acknowledges that the Bellagarda article does not disclose "deriving a hierarchy of plural levels of clusters from said clustering; and displaying the files in a hierarchical format of plural levels of clusters based on said derived hierarchy," as recited in claim 1. Accordingly, the Bellagarda article does not remedy the above-noted deficiencies of the Oliver patent.

At least for the foregoing reasons, Applicants' claims 1, 11, 17, 28 and 38 are allowable. Claims 2-7, 13-16, 18-23, 27, 30-33, 37, 48, 50, 52, 54 and 56 are patentable at least because of their respective dependencies. Claim 34 was previously cancelled without prejudice or disclaimer.

Claims 9, 10, 25, 26, 35 and 36 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Bellagarda and Oliver in view of Kusama et al. (U.S. Patent No. 7,085,767, hereinafter "Kusama").

Claims 49, 51, 53, 55 and 57 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Bellagarda and Oliver in view of Hertz (U.S. Patent Publication No. 2003/0037041, hereinafter "Hertz").

Neither Kusama nor Hertz is purported in the Office Action to remedy the above deficiencies of the Bellagarda article and the Oliver patent. Therefore, 9, 10, 25, 26, 35, 36, 49, 51, 53, 55 and 57 are patentable at least because of their respective dependencies.

**New claims**

Claim 58 has been added to more particularly describe certain aspects of the invention. Claim 58 is patentable at least because of its dependency.

**CONCLUSION**

From the foregoing, further and favorable action in the form of a Notice of Allowance is respectfully requested and such action is earnestly solicited.


In the event that there are any questions concerning this amendment, or the application in general, the Examiner is respectfully requested to telephone the undersigned so that prosecution of present application may be expedited.

Respectfully submitted,

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